

**CURRENT LIST OF DESIGNATED POSITIONS FOR THE
DEPARTMENT OF PUBLIC WORKS
As of 10/01/04**

Accident Reconstruction Specialist
Airport Manager
Assistant Director, DPW
Assistant Division Road Superintendent
Associate Real Property Agent

County Traffic Engineer

Departmental Information Technology Coordinator
Departmental Personnel and Training Administrator
Deputy Director, DPW
Director, DPW
Division Road Superintendent
DPW Unit Manager

~~Environmental Management Coordinator~~ **Land Use/Environmental Planning Manager**
*(New title effective 10/31/03)

LUEG Program Manager

~~Principal Airport Specialist~~ **Principal Airport Manager** *(New title effective 10/31/03)
Project Manager, Public Works
~~Public Works~~ **Program Coordinator** *(New title effective 10/31/03)
~~Public Works Policy and Resource Administrator~~

~~Recycling Coordinator~~ *(Changed to Program Coordinator effective 10/31/03)

Sanitation Regional Supervisor
Senior Real Property Agent
Supervising Real Property Agent

~~Utilities Coordinator~~ *(Changed to Program Coordinator effective 10/31/03)

Waste Management Coordinator
Wastewater Facilities Supervisor
Water Quality Program Manager

TOTAL OF 20 23 POSITIONS

Underline = Proposed new positions added to current list

POLICIES

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ADMINISTRATION

SUBJECT: CONFLICT OF INTEREST OR INCOMPATIBLE ACTIVITIES

PURPOSE:

To provide Department policy prohibiting employees from engaging in any outside employment or activity that is incompatible with their duties as County employees.

BACKGROUND:

The Board of Supervisors, pursuant to Government Code Sections 1125-1127, has adopted rules and regulations to govern the application of various state laws (e.g., Government Code Sections 1090, 1120, 1125-1127 and 87100, et seq.) concerning incompatible activities of County officers and employees. The Chief Administrative Officer's Administrative Manual Item 0010-3 requires that departments establish policies and procedures to ensure compliance.

SCOPE:

This Policy applies to all employees in the Department of Public Works.

POLICY:

It is the policy of the Department of Public Works that the following activities are incompatible with County employment and are prohibited:

1. Any activity that involves use of County resources for private gain such as, use of County staff, equipment, vehicles, supplies, notes, records, maps or other data for personal gain.

2. Any activity involving use of the badge, uniform, prestige or influence of the individual's County employment for private gain. This includes seeking or accepting personal loans, gifts, gratuities, business, compensation, or favors from business firms or individuals who deal with the County, using official information not readily available to the general public, gained in the course of his/her County employment, for private gain or for the gain or advantage of another.
3. Any activity involving receipt by the employee of money, or other consideration for private gain from private parties for the performance of past or future acts the employee is expected to render in the regular course of his/her duties as a County employee. This includes consultation work for personal fees or favor concerning:
 - a. The application or interpretation of policies, procedures, rules or regulations of the County,
 - b. Expediting the payment of claims or processing of applications,
 - c. Performing any research into County records.
4. Any activity that is in conflict with the duties and responsibilities of the employee. This includes:
 - Outside employment, including employment with another government entity or non-profit organization, that will impair that employee's independence of judgment as to his/her County duties.
 - Any outside activity which will require or induce the employee to disclose confidential information acquired by him/her in the course of his/her County duties.
 - The provision of services or assistance to an individual or firm that may be used to facilitate bidding on or the formulation of a contract being awarded to that firm or individual.
 - Any outside activity in which a part of the employee's efforts may be subject to approval, review, control or audit by another employee, officer, board or commission of the County of San Diego, including employment by a contractor, firm or person who has been awarded a County contract.

5. Any activity, including employment with another government entity or non-profit organization, involving demands on the employee's time that render the performance of his/her County duties less efficient. This includes outside employment resulting in physical or mental fatigue that interferes with the efficient performance of the employee's duties, or outside employment that interferes with the employee's ability to respond to an emergency.
6. Any outside employment or activity, including employment with another government entity or non-profit organization, that reflects unfavorably on the Department or the County of San Diego.

It is the policy of DPW that all employees of the Department shall also follow these directives:

1. Employees in the Department of Public Works shall not perform any work that may compromise, or present the appearance of compromising, the independence and/or objectivity of the Department. Employees must immediately notify the Director in writing when they have a relationship to the applicant or have a financial interest in any permit application processed by this Department.
2. Employees of the Department of Public Works are not permitted to perform private work that will conflict with work for the Department. Examples of such work may be employment with real estate firms, architects, land development firms, engineering firms, building contractors, planning consultant firms, or other firms doing work regulated by the Department.
3. Employees are required to disclose, immediately in writing to the Department Director, any County work assignments he/she receives that relate to any organization, property or activity in which he/she, or members of his/her immediate family has any direct or indirect financial interest.
4. Employees of the Department of Public Works shall not engage in activities for personal or commercial gain during assigned work hours.
5. Employees shall not solicit or authenticate any private work or present themselves as a representative in the name of the Department for private gain. Employees must inform employers and/or clients that they are engaged only as private individuals when they are not working for the County.

Pursuant to this Policy, each employee of the Department is required to disclose outside activities:

Employee Responsibilities:

1. An employee is responsible for disclosing in writing to the Director any contemplated or existing activity, interest, or relationship that may violate the terms of this Policy or which could impair his/her objectivity, judgment, effectiveness, or productivity as an employee of the Department. This includes employment by another government entity or non-profit organization.
2. An employee is required to take the initiative in disclosing activities whenever a potential or apparent conflict exists, rather than relying on prompting by management. Through this action, the employee protects his/her own interest as well as those of the Department.
3. Failure of an employee to disclose an actual or potential conflict of interest may be interpreted by management as intent not to disclose and, therefore, may be grounds for discharge or other appropriate action.

Management Responsibilities:

All managers are responsible for ensuring that employees under their supervision are familiar with this Policy and for promoting compliance with the Policy.

PROCEDURES:

A. EMPLOYEE DISCLOSURE

1. New Employee Disclosure: Prior to the start of employment, the DPW Personnel Office will provide each new employee with a copy of this Policy.
 - a. As a condition of employment, each new employee is required to declare that he/she has read and understands the Policy and has made full disclosure of any existing or contemplated activity reportable under the Policy.
 - b. The employee will complete and sign the County's Disclosure Statement Card (AUD 263), and the Conflict of Interest or Incompatible Activities Supplemental Form (DPW 100). A Department of Public Works Disclosure of Outside Activities Form (DPW 80) will also be required, if the employee discloses information that he/she has an existing activity outside the county. Employees in certain designated positions also are required to complete a Statement of Economic Interests Form 700.

2. Semi-Annual Employee Disclosure: Semi-annually, the office of Auditor and Controller will distribute a Disclosure Statement Card (AUD 263) to each employee of the Department with pay warrants. The Personnel Office will concurrently distribute the Conflict of Interest or Incompatible Activities Supplemental Form (DPW 100).
 - a. The employee will complete both forms and submit them to his/her immediate supervisor.
 - b. Supervisors will review the forms, sign where indicated and forward them to the Personnel Office.
 - c. If there is a disclosure on either form, the Personnel Office will send the employee a DPW Disclosure of Outside Activities Form (DPW 80) to fill out and return to the Personnel Office within two weeks.
 - c. The supervisor will review the DPW 80 to ensure that adequate information on which to base a decision is provided.
 - d. The supervisor will sign and forward the DPW 80 to the Deputy Director or Assistant Director for review and resolution in accordance with the resolution procedure outlined below.
 - e. Employees are required to promptly notify the Department of any changes in circumstances that may require modification of previously filed statements and are responsible for contacting the Personnel Office to obtain the forms needed to initiate review of the matter by the Department. Employees are expected to take an active role in reporting potential conflicts and may not wait until forms are distributed on a semi-annual basis to report known conflicts.
3. Annual Disclosure by Employees in Designated Positions: Employees in Designated Positions (Attachment A) shall complete the Statement of Economic Interest Form 700 and submit to the Personnel Office. Annually, the Personnel Office will provide instructions for timely completion of Form 700 by designated employees.

B. RESOLUTION PROCEDURE

1. If, after review, the decision is that no conflict of interest or incompatible activity exists, the Deputy Director or Assistant Director will promptly sign the

Disclosure of Outside Activities Form (DPW 80), notify the employee, the employee's supervisor and forward the signed form to the Personnel Office for retention.

2. If, after review, the decision is that an activity represents a conflict of interest or incompatible activity,
 - a. The Director will determine the action required to resolve the conflict of interest or incompatible activity and promptly communicate it to all concerned parties.
 - b. Within a reasonable time period, as determined by the Director, the employee will provide substantiation that the action required to resolve the conflict of interest or incompatible activity has been completed. Failure to comply may result in disciplinary action against the employee pursuant to applicable Civil Service Rules. Disciplinary action may include suspension, demotion or termination of employment.
3. The DPW Personnel Office will monitor and administer the disclosure process.

REFERENCES:

Government Code Sections 1090, 1120, 1125-1127, and 87100, et seq.
Resolution #41 (2/29/72)
Resolution #15 (11/17/81)
Civil Service Rule VIII
Chief Administrative Officer Administrative Manual Item 0010-3

ATTACHMENTS:

A – List of Designated Positions

APPROVED BY:



JOHN L. SNYDER, DIRECTOR

EFFECTIVE DATE: June 2, 1993
REVISION DATE: September 14, 2004
SUNSET DATE: September 14, 2009



**COUNTY OF SAN DIEGO
DEPARTMENT OF PUBLIC WORKS**

**CONFLICT OF INTEREST OR INCOMPATIBLE ACTIVITIES
SUPPLEMENTAL FORM**

Per the Department of Public Works, Policy AD-3, Conflict of Interest or Incompatible Activities, employees are prohibited from engaging in any outside employment or activity that is incompatible with their duties as County employees. Please answer the following questions related to the policy:

1. Do you perform any work that may compromise, or present the appearance of compromising, the independence and/or objectivity of the Department?
☐ Yes ☐ No
2. Do you perform private work for real estate firms, architects, land development firms, engineering firms, building contractors, planning consultant firms, or other firms doing work regulated by the County?
☐ Yes ☐ No
3. Are any of your County work assignments related to any organization, property or activity in which you, or members of your immediate family have any direct or indirect financial interest?
☐ Yes ☐ No
4. Do you engage in activities for personal or commercial gain during assigned work hours?
☐ Yes ☐ No
5. Have you disclosed in writing to the Director any contemplated or existing activity, interest, or relationship that could impair your objectivity, judgment, effectiveness, or productivity as an employee of the Department, including employment by another government entity or non-profit organization?
☐ Yes ☐ No
6. Do you understand that an employee is required to take the initiative in disclosing activities whenever a potential or apparent conflict exists, rather than relying on prompting by management?
☐ Yes ☐ No
7. Do you understand that failure to disclose an actual or potential conflict of interest may be interpreted by management as intent not to disclose and, therefore, may be grounds for discharge or other appropriate action?
☐ Yes ☐ No
8. Do you present yourself as a representative in the name of the Department for private gain?
☐ Yes ☐ No

Name (Print)

Signature

Date



POLICIES

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ADMINISTRATION

SUBJECT: CONFLICT OF INTEREST OR INCOMPATIBLE ACTIVITIES

PURPOSE:

To establish provide Department policy prohibiting employees from engaging in any outside employment or activity which that is incompatible with their duties as County employees.

BACKGROUND:

The Board of Supervisors, pursuant to Government Code Sections 1125-1127, has adopted rules and regulations to govern the application of various state laws (e.g., Government Code Sections 1090, 1120, 1125-1127 and 87100, et seq.) concerning incompatible activities of County officers and employees. The Chief Administrative Officer's Administrative Manual Item 0010-3 requires that departments establish policies and procedures to ensure compliance, and Board of Supervisors Resolution 41 (February 29, 1972), amended by Resolution 15 (November 15, 1981) require each appointing authority to formulate rules which specify activities that are prohibited to employees on the basis that the activities are incompatible or inconsistent with the employees' County government duties.

For compliance, there are two existing Conflict of Interest forms which are used:

1. AUD 263, a disclosure statement card, is filed by every employee of the Department on a semi-annual basis.
2. Form 700 is filed annually by employees in certain designated positions of the Department. These positions make or participate in making governmental decisions with a foreseeable material effect on a financial interest.

Additionally, the Department has developed a Disclosure of Outside Activities

~~Form, DPW-80 (4-95). This form will supplement Form AUD-263.~~

SCOPE:

This Policy applies to all employees in the Department of Public Works.

POLICY:

CONFLICT OF INTEREST AND INCOMPATIBLE ACTIVITIES

It is the policy of the Department of Public Works that the following activities are incompatible with County employment and are prohibited:

1. Any activity by an employee which involves the use of County time, facilities, equipment or materials for private gain or advantage including the following:
that involves use of County resources for private gain such as, use of County staff, equipment, vehicles, supplies, notes, records, maps or other data for personal gain.
 - a. Any outside employment, including employment with another government entity or nonprofit organization, which results in receipt of frequent telephone calls or visitors while on duty at his/her County employment.
 - b. The sale of publications or written materials that were prepared on County time or utilizing County facilities, equipment and/or materials. Funds from the sale of copies of County reports are deposited in the County General Fund.
 - c. Any outside employment activity, including employment with another government entity or nonprofit organization, which would interfere with the efficient performance of his/her County duties in the Department of Public Works.
2. Any activity which involves the use for private gain or advantage of the badge, uniform, prestige, or influence of the individual's County employment for private gain, including the following: This includes seeking or accepting personal loans, gifts, gratuities, business, compensation, or favors from business firms or individuals who deal with the County, using official information not readily available to the general public, gained in the course of his/her County employment, for private gain or for the gain or advantage of another.

~~a. Directly or indirectly soliciting, seeking, or accepting personal loans, gifts, gratuities, business, compensation, or favors from public jurisdiction, private business firms or their agents who deal with the Chief Administration Office or any department of the County of San Diego.~~

~~b.a. Using information not readily available to the general public, gained in the course of County employment, for private gain or advantage or the gain or advantage of another.~~

3. Any activity which involvinges the receipt by the employee of money, or other consideration from for private gain from private parties for the performance of past or future acts which the employee is expected to render in the regular course of his/her duties as a County employee. This includes consultation work for personal fees or favor concerning: including the following:

- a. The application or interpretation of policies, procedures, rules or regulations of the County,
- b. Expediting the payment of claims or processing of applications,
- c. Performing any research into County records.

~~Any consultation work for a fee or other remuneration concerning the application or interpretation of orders, directives or other communications of this department, the Board of Supervisors or any other agency or department of the County of San Diego.~~

4. ~~Any activity which~~ that is in conflict with the duties and responsibilities of the employee. ~~Chief Administrative Office, including the following:~~ This includes:

- Outside employment, including employment with another government entity or non-profit organization, that will impair that employee's independence of judgment as to his/her County duties.
- Any outside activity which will require or induce the employee to disclose confidential information acquired by him/her in the course of his/her County duties.
- The provision of services or assistance to an individual or firm that may be used to facilitate bidding on or the formulation of a contract being

awarded to that firm or individual.

- Any outside activity in which a part of the employee's efforts may be subject to approval, review, control or audit by another employee, officer, board or commission of the County of San Diego, including employment by a contractor, firm or person who has been awarded a County contract.

~~a. Outside employment, including employment with another government entity or nonprofit organization, which will impair independency of judgment as to his/her County duties.~~

~~b. Outside activity, including employment with another government entity or nonprofit organization, which will require or induce this employee to disclose confidential information acquired in the course of his/her County duties.~~

~~c.d. _____ Outside employment, including employment with another government entity or nonprofit organization, with an entity which has a contract with the County, or has had a contract within the last twelve (12) months.~~

5.4. Any activity, outside employment, including employment with another government entity or non-profit organization, in which a part of the employee's efforts therein may be subject to approval, review, control, or audit by another employee, officer, board or commission of the County of San Diego, involving demands on the employee's time that render the performance of his/her County duties less efficient. This includes outside employment resulting in physical or mental fatigue that interferes with the efficient performance of the employee's duties, or outside employment that interferes with the employee's ability to respond to an emergency.

5. Any outside employment or activity, including employment with another government entity or non-profit organization, that reflects unfavorably on the Department or the County of San Diego.

Pursuant to this policy, each employee of the Department is required to make a: It is the policy of DPW that all employees of the Department shall also follow these directives:

DISCLOSURE OF OUTSIDE ACTIVITIES

1. ~~Employees of in the Department of Public Works shall disclose to the Director in writing any outside employment or activity where any part of their efforts will be subject to the approval by any other officer, employee, board or~~

commission of the County, not perform any work that may compromise, or present the appearance of compromising, the independence and/or objectivity of the Department. Employees must immediately notify the Director in writing when they have a relationship to the applicant or have a financial interest in any permit application processed by this Department.

2. Employees of the Department of Public Works shall disclose to the Director in writing if an assignment of work relates to any organization, property or activity in which he/she or a member of his/her immediate family has an interest, are not permitted to perform private work that will conflict with work for the Department. Examples of such work may be employment with real estate firms, architects, land development firms, engineering firms, building contractors, planning consultant firms, or other firms doing work regulated by the Department.
3. Employees are required to disclose, immediately in writing to the Department Director, any County work assignments he/she receives that relate to any organization, property or activity in which he/she, or members of his/her immediate family has any direct or indirect financial interest. Employees of the Department of Public Works shall disclose to the Director in writing if he/she makes a presentation before any officer, board or commission which the Director represents or advises and in which the employee or a member of his/her immediate family has an interest.
4. Employees of the Department of Public Works shall disclose to the Director in writing any paid position held in a non-profit entity which has or is seeking contracts with the County of San Diego, not engage in activities for personal or commercial gain during assigned work hours.
5. Employees shall not solicit or authenticate any private work or present themselves as a representative in the name of the Department for private gain. Employees must inform employers and/or clients that they are engaged only as private individuals when they are not working for the County. The disclosure requirements shall be applicable to employees of the Department of Public Works who are employed by another government entity or nonprofit organization.
6. Where employees of the Department of Public Works are authorized to expend time and/or resources on outside activities, those individual will document the activities and make it available to the Director.

Pursuant to this Policy, each employee of the Department is required to disclose outside activities:

~~VIOLATION OF RULES IS GROUNDS FOR DISCIPLINE~~ Employee Responsibilities:

1. ~~An employee is responsible for disclosing in writing to the Director any contemplated or existing activity, interest, or relationship that may violate the terms of this Policy or which could impair his/her objectivity, judgment, effectiveness, or productivity as an employee of the Department. This includes employment by another government entity or non-profit organization. Participation in any prohibited activity by any classified officer or employee or failure to properly disclose outside activities as required by these Rules, after proper notification of such prohibition or failure to disclose, may be cause for suspension, demotion, reprimand, transfer, or removal within the provisions of the Charter of the County of San Diego, and the Civil Service Rules. The provisions of Civil Service Rules VII as to notice and hearing shall be applicable to discipline imposed based on a determination that a classified office or employee has engaged in any prohibited outside activity or has failed to properly disclose outside activities as required by these Rules.~~
2. ~~An employee is required to take the initiative in disclosing activities whenever a potential or apparent conflict exists, rather than relying on prompting by management. Through this action, the employee protects his/her own interest as well as those of the Department. Any unclassified officer or employee may, upon determination of the Chief Administrative Officer that he has engaged in a prohibited activity or failed to properly disclose any outside activity, request a hearing before the Chief Administrative Officer or the CAO's designee, and such hearing shall be afforded to the unclassified employee within a reasonable time. Participation in any prohibited activity or failure to disclose outside activities as required by these Rules by any unclassified officer or employee may be cause for discipline or removal.~~
3. ~~Failure of an employee to disclose an actual or potential conflict of interest may be interpreted by management as intent not to disclose and, therefore, may be grounds for discharge or other appropriate action.~~

Management Responsibilities:

All managers are responsible for ensuring that employees under their supervision are familiar with this Policy and for promoting compliance with the Policy.

PROCEDURES:

A. EMPLOYEE NOTIFICATIONDISCLOSURE

1. New Employee Disclosure: Prior to the start of employment, the DPW Personnel Office will provide each new employee with a copy of this Policy.
 - a. As a condition of employment, each new employee is required to declare that he/she has read and understands the Policy and has made full disclosure of any existing or contemplated activity reportable under the Policy.
 - b. The employee will complete and sign the County's Disclosure Statement Card (AUD 263), and the Conflict of Interest or Incompatible Activities Supplemental Form (DPW 100). A Department of Public Works Disclosure of Outside Activities Form (DPW 80) will also be required, if the employee discloses information that he/she has an existing activity outside the county. Employees in certain designated positions also are required to complete a Statement of Economic Interests Form 700.
2. Current EmployeesSemi-Annual Employee Disclosure: Semi-annually, the ~~DPW Personnel Office~~ office of Auditor and Controller will send distribute a Disclosure Statement Card (AUD 263) to each employee of the Department with pay warrants. The Personnel Office will concurrently distribute the Conflict of Interest or Incompatible Activities Supplemental Form (DPW 100).
 - a. The employee will complete both the card Disclosure Statement Card (AUD 263) forms and submit itthem to his/her immediate supervisor. In addition, the employee will complete and sign the Conflict of Interest or Incompatible Activities Supplemental Form (DPW 100) and send to the Personnel Office.
 - b. Supervisors will review the forms, sign where indicated and forward them to the Personnel Office.
 - ~~b.c.~~ c. If there is a disclosure on the AUD 263 ~~either form,~~ the Personnel Office will send the employee a DPW Disclosure of Outside Activities Form (DPW 80) to fill out and return to the Personnel Office within two weeks ~~of the letter date.~~
 - c. The supervisor will review the form(s) DPW 80 to ensure that adequate information on which to base a decision is provided.
 - d. The supervisor will sign and forward the Disclosure of Outside

~~Activities Form~~DPW 80 to their Deputy Director or Assistant Director for final review and resolution in accordance with the following resolution procedure outlined below.

- e. ~~Any modifications to previously filed statements should be made by also using the Disclosure of Outside Activities Form (DPW 80).~~ Employees are required to promptly notify the Department of any changes in circumstances that may require the modification of previously filed statements and are responsible for contacting the Personnel Office to obtain the forms needed to initiate review of the matter by the Department. Employees are expected to take an active role in reporting potential conflicts and may not wait until forms are distributed on a semi-annual basis to report known conflicts.

3. Annual Disclosure by Employees in Designated Positions: Employees in Designated Positions (Attachment A) shall complete the Statement of Economic Interest Form 700 and submit to the Personnel Office. Annually, the Personnel Office will provide instructions for timely completion of Form 700 by designated employees.

B. RESOLUTION PROCEDURE

1. If, after review, the decision is that no conflict of interest or incompatible activity exists, the Deputy Director or Assistant Director will promptly sign the Disclosure of Outside Activities Form (DPW 80), notify the employee, the employee's supervisor and forward the signed form to the Personnel Office for retention.
2. If, after review, the decision is that an activity represents a conflict of interest or incompatible activity, ~~the Deputy Director will then conduct a complete inquiry.~~
 - a. The Deputy Director will determine the action required to resolve the conflict of interest or incompatible activity and promptly communicate it to all concerned parties.
 - b. Within a reasonable time period, as determined by the Deputy Director, the employee will provide substantiation that the action required to resolve the conflict of interest or incompatible activity has been completed. Failure to comply may result in disciplinary action against the employee pursuant to applicable Civil Service Rules. Disciplinary action may include suspension, demotion or termination of employment.

3. The DPW Personnel Office will monitor and administer the disclosure process.

REFERENCES:

Government Code Sections 1090, 1120, 1125-1127, and 87100, et seq.
Resolution #41 (2/29/72)
Resolution #15 (11/17/81)
Civil Service Rule VIII
Chief Administrative Officer Administrative Manual Item 0010-3

ATTACHMENT:

A – List of Designated Positions

APPROVED BY:

STEPHEN THUNBERG JOHN L. SNYDER, DIRECTOR

EFFECTIVE DATE: June 2, 1993

REVISION DATE: September 30, 1998 14, 2004

SUNSET DATE: August 30, 2000 September 14, 2009